

REMARKS

Claims pending in the application upon entry of this amendment will be 1-4, 6, 7, 9-14, 16-22, and 30-33. There are now 23 claims pending in the application. Claims 5, 8, 15, and 23-29 have been cancelled. Claim 5 has been replaced with new claim 30; Claim 8 has been replaced with new claim 31; Claim 15 has been replaced with new claim 32; and claim 23 has been replaced with new claim 33.

Claims 24-29, which are directed to non-elected process claims that were withdrawn from further consideration by the Examiner, have been canceled in order to expedite the prosecution of the application. Applicants' reserve the right to file a divisional application directed to the subject matter of claims 24-29.

DESCRIPTION OF AMENDMENTS TO THE CLAIMS

Description of Proposed Amendments to Rejected Claims

Claim 1 has been amended to recite that the claimed composition is a **non-azeotropic** solvent composition wherein the **trans 1,2-dichloroethylene is the primary solvent-providing halohydrocarbon of the solvent composition**. Bases for these two amendments are found on page 4 in lines 1-4 and 9 of paragraph [0011] of the application. Claim 21 has been similarly amended to describe the vapor degreasing solvent composition as a **non-azeotropic** solvent composition. Claim 21 already contains language describing the 1,2-dichloroethylene "as the primary degreasing solvent". The word "halohydrocarbon" has been added to line 3 of claim 21 to conform it to the proposed language for claim 1.

Claim 6 has been amended to make a spelling correction so that the term "alkoxyphenol" appears as one word, which conforms that term to the named compound 4-alkoxyphenol.

Describing the claimed solvent compositions as **non-azeotropic** differentiates such compositions from compositions that are azeotropic or azeotrope-like. Describing 1,2-dichloroethylene as the primary solvent-providing halohydrocarbon of the solvent

composition differentiates the claimed solvent compositions from those wherein 1,2-dichloroethylene is not the primary solvent.

Description of Proposed Amendments To Objected Claims

Claims 5, 8-17 and 23 have been objected to as being dependent upon a rejected base claim. The Examiner has indicated that such claims would be allowable if rewritten independent form. Claim 5, which previously depended indirectly from rejected claim 1, has been canceled and resubmitted as new independent claim 30. Claim 8, which previously depended from rejected claim 1, has been canceled and resubmitted as new independent claim 31. Claim 9, which previously depended from rejected claim 1, has been amended to depend from new claim 31. Claim 9 has been further amended to recite that the claimed free radical stabilizer is a "tetramethyl" compound, which conforms this claim to new independent claim 31 from which it depends. Claims 10-14 remain dependent directly or indirectly from claim 9.

Claim 15, which previously depended from rejected claim 1, has been canceled and resubmitted as new independent claim 32. Claims 16 and 17 have been amended to depend from new independent claim 32, which replaced canceled claim 15 from which claims 16 and 17 previously depended. Claim 23 has been canceled and resubmitted as new independent claim 33.

Allowable Subject Matter

Claims 5, 8-17 and 23 are now not dependent from a rejected base claim, but have been rewritten in independent form or amended to depend from a newly presented independent claim. In accordance with the Examiner's statement that these claims would be allowable if rewritten in independent form, claims 9-14, 16, 17 and 30-33 are considered to be in condition for allowance. Reconsideration of the Examiner's objection to and early allowance of all of such claims are respectfully requested.

Applicants acknowledge the Examiner's allowance of Claims 18-20.

Rejection Under 35 U.S.C. 102(b)

Claims 1-4, 6, 7, 21 and 22 have been rejected under 35 U.S.C. 102 (b) as being anticipated by Examples 19 and 20 of U.S. Patent 4,961,870 (Cook). This rejection is respectfully traversed with respect to such claims in their proposed amended form.

As earlier discussed, it is proposed to amend independent claim 1 by adding the terms "non-azeotropic solvent" to line 1 and "wherein the trans 1,2-dichloroethylene is the primary solvent-providing halohydrocarbon of the solvent composition" to the last line of the claim. Basis for these amendments is found in paragraph [0011] on page 4 of the application. Claims 2-4, 6 and 7 depend directly or indirectly from claim 1 and hence will also contain such proposed language.

It is proposed to amend independent claim 21 by adding the term "non-azeotropic" to line 1 and "halohydrocarbon" to line 3. Basis for this amendment is similarly found in paragraph [0011] on page 4 of the application. Claim 22 depends from claim 21 and hence will also contain such proposed language.

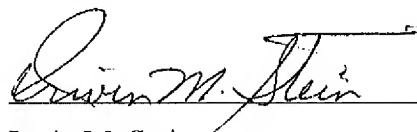
Examples 19 and 20 of the Cook patent disclose **azeotrope-like** compositions of **60 weight percent 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)**; 37 weight percent trans 1,2-dichloroethylene; 3 weight percent 2-methyl-2-propanol or 3-pentanol; 200 ppm 1,2-butylene oxide; and 200 ppm 4-methoxyphenol. See lines 59-68 in column 10 of the cited Cook patent. Applicants' proposed amendments defining the claimed solvent compositions as **non-azeotropic** and compositions wherein the trans 1,2-dichloroethylene is the **primary hydrocarbon solvent** (vapor degreasing solvent in claim 21) distinguish the rejected claims from the disclosure of Cook and therefore overcome the rejection based on 35 U.S.C. 102 (b).

Further, Applicants' claims are directed to a composition **consisting essentially** of trans-1,2-dichloroethylene and minor amounts of stabilizers, which transitional phrase excludes the presence of compounds that would materially affect the basic and novel characteristics of the claimed composition. See, Section 2111.03 of the Manual of Patent Examining Procedure and In re Herz, 537 F2d 549, 551-52, 190 USPQ 461, 463 (CCPA 1976).

Accordingly, the Cook patent disclosure **does not anticipate** under 35 U.S.C. 102 (b) Applicants' proposed claimed compositions, as amended. Reconsideration of this rejection and allowance of all of Applicants pending claims are respectfully requested.

In the event that the Examiner considers any matter to remain unresolved, the Examiner is invited to phone Applicants' representative at the number indicated below in order to expedite resolution of any such matter. If the undersigned attorney cannot be reached by telephone, the Examiner may direct inquiries to Ms. Linda Pingitore, Attorney of Record, Registration No. 30,414, at 412-434-3704.

Respectfully submitted

A handwritten signature in cursive script, reading "Irwin M. Stein", written over a horizontal line.

Irwin M. Stein
Registration No. 22,151
Authorized Representative Attorney
Telephone: 412-434-2575
Facsimile: 412-434-4292

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